MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2015/2016

UCR2622 – CRIMINAL LAW II

(All Sections / Groups)

29 FEBRUARY 2016
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. This Question paper consists of THREE (3) pages with FIVE (5) Questions only.

2. Attempt **ANY FOUR** out of FIVE questions ONLY. All questions carry equal marks and the distribution of the marks for each question is given.

3. Students are allowed to bring into Examination Hall a CLEAN and ORIGINAL copy of Penal Code (Revised 1997) Act 574

4. Please write all your answers in the Answer Booklet provided.

Question 1

Dato' Lan was the managing director in Syarikat Punah while Lin was his secretary. Dato' Lan was in charge of the company's procurement where he shall be the authorized person to approve any purchasing of goods for the company.

Without the knowledge of other directors in Syarikat Punah, Dato' Lan has become a director in Syarikat Cantek that purportedly sells furniture to Syarikat Punah. Lin was the one responsible for the setting of Syarikat Cantek and she also sits as one of the directors. Dato' Lan later approved a cash payment for the sum of RM260,000 to Syarikat Cantek, although the furniture was yet to be delivered. Lin was the one who handled the documentation of the purchase. In one of Syarikat Punah's board of director meeting, Dato' Lan was questioned on his action and he said that he had mistakenly believed that the furniture would be delivered in due time, when in actual the furniture did not even exist. The company lodged a police report against Dato' Lan and Lin for breach of trust.

In the course of the investigation, Lin told the police that she was forced by Dato' Lan to follow all his plan whereas Dato' Lan claimed that Lin had threatened him to concert in her plan or she would expose a picture showing their intimate relationship to the press.

Discuss the criminal liabilities of the parties.

(Total 25 Marks)

Question 2

Tan aged 12 years old and Tun aged 15 years old were suspended from their schools as they always created problems at school. One day, while the two were loittering outside a supermarket they saw Kak Ton who was loading her groceries in the car, placed her purse on the top of the car. Tun blinked his eye to Tan and they moved towards Kak Ton's car. While Tan was standing guard, Tun grabbed Kak Ton's purse and tried to run away. However, both of them were apprehended by Tin before they could run away. Tun prayed to be released as he was only trying to get some money to buy medicine for his sick mother whereas Tan said that he had no idea of what Tun was trying to do.

1) Determine the criminal liabilities of Tan and Tun.

(20 marks)

2) Will Tun's liability be different if Tun dishonestly took the purse after it fell on the road when Kak Ton's drove away in her car?

(5 marks)

(Total 25 marks)

Continued .....

Question 3

(i) In the case of *S v Goliath* (1972) 3 SA 1, Rumpff J decided:

> *"It is generally accepted...that for the ordinary person in general his life is more valuable than that of another. Only they who possess the quality of heroism will intentionally offer their lives for another."*

Critically analyse the defence of duress, its application and limitation under the Penal Code.

(12.5 marks)

(ii) Secondary offenders are not adequately punished under the Penal Code.

Discuss.

(12.5 marks)

(Total 25 marks)

Question 4

Viking and his college mates had a quarrel with some students from another college. Rollo wanted Viking to injure the boys so he gave Viking a hammer which Viking used to break the arm of one of the boys from the other college. Later that day, Viking went over to meet Rollo. However, only his sister Legatha was at home. Viking had sexual intercourse with Legatha who was fifteen years old. The girl had heard about what Viking had done earlier that day and she was too afraid to refuse.

a) Referring to the case law and the Penal Code discuss Viking and Rollo's criminal liability.

(10 marks)

b) Assuming Legatha was twenty-three years old and Viking forced her into a room to have sexual intercourse with her. However, Legatha resisted and took a hockey stick of Rollo which was nearby and hit Viking on the head who fell down and died because of the injury caused by Legatha. Discuss Legatha's criminal liability and explain if the girl could also be charged.

(15 marks)

(Total 25 marks)

Continued .....

Question 5

Pimpleton, Dungen and Matty were friends who often carried out criminal activities together and were never caught. They did not like Matty's new neighbour Mr. Dimple. The three men talked about stabbing Mr. Dimple and they arranged to meet later in the evening to then proceed to Mr. Dimple's house where it was decided that Pimpleton and Dungen would hold Mr. Dimple while Matty stab Mr. Dimple in his chest.

The three men went over to Mr. Dimple's house and hid in his garage. When they saw Mr. Dimple come out of his house they grabbed him and took him back to the garage where they tied him to a pole. Pimpleton took Mr. Dimple's wallet and all the money that was in the wallet.

Matty then told Mr. Dimple that he would rape his wife and daughter if he did not move out of the neighborhood. Finally, Mr. Dimple agreed and Dungen told his friends to stop before anyone comes and they leave with Mr. Dimple's car.

In the car, Pimpleton said it was fine that they did not stab Mr. Dimple as hurting him seemed much "cooler" and his two friends agreed. Several days later all three were arrested and evidence showed that Pimpleton was on medication for mental illness.

Discuss the criminal liability of Pimpleton, Dungen and Matty.

(Total 25 marks)

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